

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

916 WRIT PETITION NO. 11439 OF 2017
WITH CA/11473/2021 WITH CA/11874/2017 IN WP/11439/2017

JUNNAR TALUKA SHIKSHAN MANDAL THROUGH ITS PRESIDENT
SHRIPRAKAS CHANDMAL BORA AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for petitioner : Mr. N. P. Patil-Jamalpurkar

AGP for Respondent/State : Mr. P. K. Lakhotiya

...

**CORAM : R. D. DHANUKA &
S.G. MEHARE, JJ.**

DATED : 11/03/2022.

PER COURT :

1. The petitioner has impugned the order dated 17th July 2017 passed by the Education Officer (Secondary), Zilla Parishad, Ahmednagar, cancelling the order dated 9.11.2015, granting approval to the appointment of the petitioner by way of promotion on the post of Head Master of Hanuman Vidyalaya, Talki-Khatgaon, Taluka and District Ahmednagar. This Court has granted interim relief in terms of prayer clause 'C' by order dated 18th September 2017.

2. Mr. Lakhotiya, learned AGP invited our attention to the paragraph No. 8 of the affidavit filed by the Education Officer (Secondary) on 17th February 2022 and states that the impugned order dated 17th July 2017 issued by the Education Officer, cancelling the

order dated 9.11.2015 issued by Zilla Parishad Ahmednagar stands withdrawn and the original order granting approval to the appointment of the petitioner as Head Master is restored. The respondent No. 2 is present in the Court. The learned AGP on instruction states that all consequential benefits including the difference in pay scale would be released in favour of the petitioner within four weeks from today. The statement made by the respondent No. 2 is accepted as undertaking to this Court.

3. The learned counsel for the petitioner states that in view of the statement made in the affidavit in reply dated 17th February 2022 and across the bar, nothing survives in the writ petition. The statement is accepted. Writ petition is disposed of as infructuous in view of the statement made in paragraph No. 8 of the reply and across the bar. In view of the disposal of the writ petition, pending civil applications do not survive and stands disposed of.

4. If the respondent No. 2 does not comply with the statement made in paragraph No. 8 and across the bar within the time prescribed, the petitioner would be at liberty to file appropriate proceedings under the provisions of Contempt of Courts Act read with Article 215 of Constitution of India against respondent No. 2.

5. The amount of Rs.10,000/- deposited by respondent No. 2

shall be transmitted by the office to the High Court Bar Library within one week from today.

6. We are not inclined to pursue theailable warrant issued to respondent No. 2 in view of the order passed by this Court on 23rd February 2022. Theailable warrant stands cancelled accordingly.

7. The parties to act on authenticated copy of this order .

[S.G. MEHARE, J.]

[R. D. DHANUKA, J.]

ssc/